

RESUBMIT CPS-113

December 19, 2001

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 00-4221

JIBRIL KOITA, ET AL.

vs.

ATTORNEY GENERAL OF THE U.S.A.

(M.D. Pa. Civ. No. 00-cv-00070)

FILED
WILLIAMSPORT

FEB 15 2002

PER
DEPUTY CLERK

Present: MANSMANN, RENDELL and STAPLETON, CIRCUIT JUDGES

Submitted is "Appellant's Motion to Remand to the District Court with Instructions to Vacate the District Court's Order and Judgment and Dismiss the Petition for a Writ of Habeas Corpus," which the Court may wish to construe as the Attorney General's response to the Court's Order dated 5/23/01,

in the above-captioned case.

Respectfully,

Clerk

MMW/CAD/jlm

ORDER

The appeal is dismissed as moot. The order of the District Court entered September 27, 2000 is vacated. The matter is remanded to the District Court, with instructions to dismiss the habeas petition as moot. See United States v. Munsingwear, Inc., 340 U.S. 36, 39 (1950).

By the Court,

Carol L. Mansmann

Circuit Judge

Dated: JANUARY 23, 2002
KB/cc: TTV

Certified as a true copy and issued in lieu of a formal mandate on February 12, 2002.

Teste:

Kathleen Brown

Acting Clerk, United States Court of Appeals for the Third Circuit

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

Marcia M. Waldron
Clerk

FOR THE THIRD CIRCUIT
21400 United States Courthouse
601 Market Street
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February 12, 2002

Mrs. Mary D'Andrea
U.S. District Court for the Middle District of Pennsylvania
240 West Third Street
Suite 218
Williamsport, PA 17701

RE: Docket No. 00-4221
Koita vs. Atty Gen USA
D. C. MISC. No. 00-cv-00070

Dear Mrs. D'Andrea:

Enclosed is a certified copy of the judgment order in the above-entitled case(s). The certified judgment order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

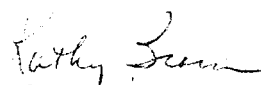
() We return herewith the certified record in the case(s).

(x) We release herewith the certified list in lieu of the record.

Kindly acknowledge receipt for same on the enclosed copy of this letter.

Counsel are advised of the issuance of the mandate by copy of this letter. A copy of the certified judgment order is also enclosed showing costs taxed, if any.

Very truly yours,
MARCIA M. WALDRON
Clerk


By: Kathy Brouwer
Case Manager

Enclosure

cc:
Thankful T. Vanderstar, Esq.